

Chapter NR 50

ADMINISTRATION OF OUTDOOR RECREATION
PROGRAM GRANTS AND STATE AIDS

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Note: The following recreational aids programs are found elsewhere: Motorcycle Recreation Program, ch. NR 65 and Recreational Boating Facilities Program, ch. NR 7.

History: Chapter NR 50 as it existed on March 31, 1975 was repealed and a new chapter NR 50 was created, effective April 1, 1975.

NR 50.01 Purpose. The purpose of this chapter is to establish procedures for implementation of various recreational aids programs under ss. 20.370 (4) (bx), 23.09 (11), (12), (17m) and (26), 23.30 (3) (h) and 350.12 (4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

History: Cr. Register, May, 1983, No. 329, eff. 6-1-83; am. Register, April, 1984, No. 340, eff. 5-1-84.

NR 50.02 Applicability. The provisions of this chapter are applicable to all sponsors of recreational aid programs under ss. 20.370 (4) (bx), 23.09 (11), (12), (17m) and (26), 23.30 (3) (h) and 350.12 (4), Stats., and 16 U.S.C. ss. 460d, 460L-4, et seq.

History: Cr. Register, March, 1975, No. 231, eff. 4-1-75; cr. (6), Register, March, 1977, No. 255, eff. 4-1-77; cr. (7) and (8), Register, June, 1980, No. 294, eff. 7-1-80; cr. (9), Register, September, 1980, No. 297, eff. 10-1-80; r. and recr. Register, May, 1983, No. 329, eff. 6-1-83; am. Register, April, 1984, No. 340, eff. 5-1-84.

NR 50.03 Definitions. (1) "Department" means department of natural resources.

(2) "Secretary" means secretary, department of natural resources.

(3) "Applicant" means unit of government applying for a grant.

(4) "LAWCON" means land and water conservation fund act of 1965.

(5) (a) "Acquisition project" includes the acquisition of land or rights thereto for a well defined outdoor recreation area or purpose.

(b) "Development project" includes the development of structures, utilities, facilities or landscaping necessary for outdoor recreation use of an area.

(6) "Approval" means the signing by the secretary or designee of a project agreement resulting in encumbering a specified amount of federal or state aid funds for a specific purpose.

(7) "Assistance" means funds made available by the department to a sponsor in support of a public outdoor recreation project.

(8) "Contingency fund" means that part of the LAWCON apportionment that is not immediately apportioned to counties or state agencies but held by the department to meet high priority, unforeseen, or emergency needs.

(9) "Project agreement" means a contract between the sponsor and department setting forth the mutual obligations with regard to a portion or all of a specific project.

(10) "Sponsor" means local unit of government, state agency, Indian tribe or snowmobile club receiving assistance.

(11) "Snowmobile trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.

(12) "District" means one of the 6 field administrative offices of the department of natural resources.

(13) "Project period" means the period of time specified in the agreement during which all work must be accomplished.

(14) "Basic facilities" means the minimum improvements necessary to enable people to make use of recreation sites with minimum maintenance.

(15) "State outdoor recreation plan" means the comprehensive state-wide outdoor recreation plan required by the land and water conservation fund act.

(16) "Enforcement" means the detection and prevention of crimes and civil violations, and the arrest of those persons who violate such laws. To qualify for state aids under ss. 30.79 and 350.12, Stats., and ss. NR 50.12 and 50.13, officers involved in the "enforcement" of ss. 30.50 to 30.80 or ch. 350, Stats., must have the authority to make arrests for the violations of the laws they are employed to enforce.

(17) "Force account" means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.

(18) "Conservancy zone" is the designation a unit of government may give to a natural area held for the preservation of open space and supporting environmental education, nature interpretation and research activities.

(19) "Qualified naturalist" means a person who has had academic training and/or experience in ecology and outdoor education.

(20) "Fringe benefits" are employers' contributions or expenses for social security, employe's life and health insurance plans, unemployment insurance coverage, worker's compensation insurance, pension retirement plans, and employe benefits in the form of regular compensation during authorized absences from the job (i.e. annual, sick, court or mili-

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(2) **APPLICABILITY.** The provisions of this section are applicable to counties, cities, villages, townships, other governmental agencies or units, clubs or organizations, businesses or corporations and educational institutions.

(3) **ALLOWABLE COSTS.** Fifty percent of approved eligible project costs shall be funded.

(4) **GENERAL PROVISIONS.** (a) The following projects are eligible:

1. Outdoor range construction, including: backstops and berms, target holders, shooting benches, baffles, protective fencing, signs, trenches, gun racks, platforms, restrooms and other items considered essential for the project by the department.

2. Indoor ranges, when it is determined by the department they are needed, including classroom, storage and restroom facilities.

(b) The following projects are not eligible:

1. Construction of clubhouses and facilities not essential to the operation of the shooting range.

2. Operation and maintenance of the range.

(c) Applications will be ranked based on a comparative basis considering the following criteria:

1. First consideration will be given projects in major metropolitan areas where ranges are not available for hunter education training.

2. Second consideration will be given projects in locations where ranges are not available within 20 miles for hunter education training.

3. More consideration will be given projects to improve an existing range than to develop new ranges in the same locality.

4. The potential of the project to meet the needs of hunter education programs and public shooting in the locality.

5. Zoning requirements.

(d) Sponsors shall demonstrate an ability to operate the range for 15 years.

(e) Applicants shall submit an application on the prescribed department form.

Note: The forms may be obtained from Hunter Education Administrator, Department of Natural Resources, Box 7201, Madison, Madison, WI 53791.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

NR 50.18 Local park aid program. (1) **PURPOSE.** The purpose of this section is to establish standards for the implementation of a grant program to develop public outdoor recreational facilities under s. 23.09 (25) (e), Stats.

(2) **APPLICABILITY.** This section is applicable to towns, villages, cities, counties and Indian tribes applying for local park aid grants under s. 23.09 (25) (e), Stats.

(3) **DEFINITIONS.** (a) "Department" means department of natural resources.

(b) "Local park aid program" means the program created under s. 23.09 (25) (e), Stats., with funds appropriated under s. 20.370 (4) (bw), Stats.

(c) "Water based public recreation" means public outdoor recreational facilities or support facilities for activities such as swimming, fishing and boating.

(4) **GENERAL PROVISIONS.** (a) Eligible sponsors (towns, villages, cities, counties and Indian tribes) may receive a state grant of up to 50% of the total project costs for the development of a local park. Projects involving the acquisition of land are not eligible.

(b) The maximum grant amount under this program for any project is limited to 30% of the s. 20.370 (4) (bw), Stats., biennial appropriation amount.

(c) Grants shall be awarded on a statewide priority basis.

(d) An approved local comprehensive outdoor recreation plan is required to be eligible to submit applications to the local park aid program.

(e) Only one application will be accepted per eligible sponsor.

(f) Cost overruns beyond the original grant award may not be allowed.

(5) **PRIORITIES.** Priorities in ranking are given to projects based on the following project criteria. The department shall determine the eligibility for each project by reviewing each project according to the following criteria (criteria not in order of priority):

(a) Highest priority shall be given to projects to develop a local park that provides water-based public recreation opportunities.

(b) Projects which meet urban park needs.

(c) Activities for the general public have higher priority than those for a limited group.

(d) Basic facilities have priority over elaborate facilities such as covered ice rinks and indoor swimming pools.

(e) Participant facilities have priority over spectator facilities.

(f) Projects not having other public or private funds available to them.

(g) Projects for sites where a scarcity of water-based recreational activities exist.

(h) Projects that provide opportunities for water-based recreation activities rather than support them.

(i) Projects which may enhance or preserve natural beauty.

(j) Completion of projects already started where the sponsor has shown the ability to provide quality outdoor recreation facilities for its citizens without grant assistance.

(k) Projects to develop areas previously acquired.

(l) Projects to renovate existing facilities which are in danger of being lost for public use.

(m) Priority to applicants who have not received LAWCON or outdoor recreation action program — local park aids (ORAP-LPA) funds in the past.

(n) Priority to applicants who have good performance records on prior LAWCON, ORAP-LPA or other recreational projects.

(o) Priority to applicants who are financially able to adequately maintain and operate the area or facility.

(p) Projects which offer safe, rapid and convenient access by all types of transportation modes appropriate for that type of facility.

(r) Projects which, in relation to their costs, provide access for the greatest number of potential users and provide the greatest opportunities for public outdoor recreation.

(s) Projects which meet needs and deficiencies identified in the statewide comprehensive outdoor recreation plan, or the comprehensive outdoor recreation plans of other units of government.

(t) Projects which provide multiple season, multiple activity use.

(u) Projects which are designed to serve the recreation needs of elderly persons, minorities and handicapped persons.

(6) ELIGIBLE TYPES OF PROJECTS. Eligible projects include:

(a) Swimming, bathing and water sports facilities, including beaches, swimming areas and swimming pools, guard towers and bathhouses.

(b) Fishing and hunting facilities, such as trails and fishing piers;

(c) Boating facilities, such as launching ramps and docks.

(d) Observation and sightseeing facilities such as overlooks, turnouts and trails.

(e) Picnic facilities, including tables, fireplaces, shelters and paths.

(f) Camping facilities, including tent and trailer sites, tables and fireplaces.

(g) Winter sports facilities, such as slopes and trails for sledding and tobogganing, cross-country ski trails, facilities for skating and snowmobiling.

(h) Urban recreation areas, such as neighborhood playgrounds, bicycling paths, walking or riding trails and participant sport facilities, including playing fields and tennis courts.

(i) Supporting facilities, including entrance and circulation roads, utility and sanitation systems, erosion control work, parking areas, toilet buildings and educational facilities where there is a permanent professional naturalist staff and the facilities are for nature interpretation.

(j) Renovation or redevelopment of existing facilities or areas which have received adequate and regular maintenance but are impaired, or have become outmoded.

(k) Beautification of areas. Beautification projects such as landscaping, cleaning and restoration of exploited, polluted and littered areas, and screening, removal, relocation or burial of overhead wires.

(l) Open shelters and multipurpose shelter buildings which support an outdoor recreation activity.

(m) Fences for tennis courts, ball fields and the protection of park users.

(n) Dams where the entire shoreline is public and there is adjoining public land for a recreation facility.

(o) Lighting for tennis courts, hockey rinks, game courts, ballfields, sports fields, multipurpose courts and public safety.

(p) Park signs.

(7) INELIGIBLE TYPES OF PROJECTS. Ineligible projects include:

(a) Restoration or preservation of historic structures.

(b) Development of areas and facilities to be used for professional athletics.

(c) Development of amusement facilities, waterslides, or the construction of facilities, that are only marginally related to public outdoor recreation.

(d) Construction of park employe residences.

(e) Development of areas and facilities to be used solely for game refuges or fish production purposes unless they are open to the public for general compatible recreation use, or if they directly serve priority public outdoor recreation needs identified in the state plan.

(f) Construction of lodges, motels, luxury cabins, or similar elaborate facilities.

(g) Development projects in previously undeveloped recreation areas which consist solely of support facilities, unless it is clearly indicated that such facilities are required for proper and safe recreational use of the area; and

(h) Buildings primarily devoted to operation and maintenance.

(8) APPLICATION AND GRANT AWARD PROCEDURES. (a) Applicants for local park aid monies shall submit applications on Form 8700-185 to the appropriate district office by March 15 of each year. Eligible sponsors include towns, villages, cities, counties and Indian tribes.

Note: Application forms are available from department district offices.

(b) The department shall evaluate completed applications utilizing a project rating sheet to determine which applicants will receive grants.

(c) Successful applicants shall be notified by the department and sent a project agreement. Work under the project agreement may not proceed until the agreement is signed by the department and applicant.

History: Cr. Register, July, 1986, No. 367, eff. 8-1-86.